

**ZB# 97-34**

**Franklin Assocs. /  
Destinta Theater**

**23-1-53.1**

franklin:

Sept. 22, 1997

Dead. 4 have

Proven 4 letters  
out 1/14/97.

Notice to Sentinel 10/10/97

Public Hearing:

Oct. 27, 1997.

Sign Variance

Granted

#97-34 - Franklin Assocs. / Destinta Theatre  
(Sign)

Wilson Jones • Carbonless • 5164-HCR Duplicate • 516774-01 Typewriter

MADE IN U.S.A.  
© Wilson Jones, 1980

DATE 10/21/97 **RECEIPT** 6772418

RECEIVED FROM

Joseph Arcocetti

Address

One Hundred Fifty 20 DOLLARS \$ 150.00  
FOR 3BA #962341 100

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID		CHECK	<input checked="" type="checkbox"/>
BALANCE DUE		MONEY ORDER	

BY Dorothy Hansen

**APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)**

APPLICANT: Franklin Assoc. /  
Destinta Thessher

FILE# 97-34.

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE ..... \$ 150.00

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 500.00

**DISBURSEMENTS:**

**STENOGRAPHER CHARGES: \$4.50 PER PAGE**

PRELIMINARY MEETING-PER PAGE 9/27/97 - 7 pages \$ 31.50  
2ND PRELIMINARY- PER PAGE ..... \$ .....  
3RD PRELIMINARY- PER PAGE ..... \$ .....  
PUBLIC HEARING - PER PAGE 10/27/97 - 8 pages \$ 36.00  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ .....

TOTAL ..... \$ 67.50

**ATTORNEY'S FEES: \$35.00 PER MEEETING**

PRELIM. MEETING: 9/27/97 ..... \$ 35.00  
2ND PRELIM. .... \$ .....  
3RD PRELIM. .... \$ .....  
PUBLIC HEARING. 10/27/97 ..... \$ 35.00  
PUBLIC HEARING (CONT'D) ..... \$ .....

TOTAL ..... \$ 70.00

**MISC. CHARGES:**

19 letters @ .32 ea. ..... \$ 6.08

TOTAL ..... \$ 6.08

LESS ESCROW DEPOSIT ..... \$ 500.00  
(ADDL. CHARGES DUE) ..... \$ 143.58  
REFUND DUE TO APPLICANT .. \$ 356.42

*paid*  
*ck # 201*  
*10/21/97*  
  
*paid*  
*ck. # 202*  
*10/21/97.*



Joseph D. Angelotti  
8 Kearney Ave.  
Whippany, NJ 07981

55-138/212  
082092206

202

DATE 10-16-97

PAY TO THE  
ORDER OF

Town of New Windsor  
one hundred fifty dollars & no cts --- 00/100 \$150.00  
DOLLARS

Valley National Bank

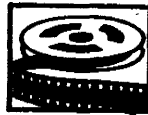
MAYFLOWER OFFICE  
73 SOUTH LIVINGSTON AVENUE  
LIVINGSTON, NEW JERSEY 07039

MEMO

SIGN FEE # 97-34 2BA

⑆021201383⑆

082092206 0202



Joseph D. Angelotti  
8 Kearney Ave.  
Whippany, NJ 07981

55-138/212  
082092206

201

DATE 10-16-97

PAY TO THE  
ORDER OF

Town of New Windsor  
five hundred dollars & no cts --- 00/100 \$500.00  
DOLLARS

Valley National Bank

MAYFLOWER OFFICE  
73 SOUTH LIVINGSTON AVENUE  
LIVINGSTON, NEW JERSEY 07039

MEMO

SIGN FEE 2BA 97-34

⑆021201383⑆

082092206 0201

The requested variances are appropriate and are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The interests of justice will be served by allowing the granting of the requested variances.

In the Matter of the Application of  
**FRANKLIN ASSOCS./DESTINTA THEATRES**

**MEMORANDUM OF  
DECISION GRANTING  
SIGNAREA VARIANCE**

#97-34

**WHEREAS, FRANKLIN ASSOCIATES, % Offices of the Undersigned**, a general partnership with a location at 1 Garret Mountain Plaza, Paterson, N.J. 07505 (owner), and **DESTINTA THEATRES**, a corporation with offices located at 125 E. 71st Street, New York, N. Y. 10021, (lessee) have made application before the Zoning Board of Appeals for a 5 ft. x 6 in. sign height and 8 ft. sign width variance for a wall sign, and a 19 ft. height and 1,346 s.f. sign area variance for a free-standing, double-faced pole sign for proposed theatre property located in a shopping mall at 217 Quassaick Avenue, New Windsor, N. Y. 12553, in an NC zone; and

**WHEREAS**, a public hearing was held on the 27th day of October, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared by Joseph D. Angelotti of Destinta Theatres there was a proxy on file from the owner of the property in question; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located adjacent to an apartment/condominium complex and contained in a mixed neighborhood of commercial and residential properties.

(b) The site is a shopping center.

(c) There is no sign on the premises advertising a business on this premises since that space is currently vacant. There is a free-standing sign on the premises advertising the presence of other tenants on the premises containing both past and present tenants.

(d) The proposed free-standing sign while it would be in excess of the signage allowed by the Town Code, would be smaller than the sign which presently exists.

(e) The proposed sign was carefully constructed by the Applicant to advertise not only its business but the presence of the other tenants of the shopping center.

(f) There is another small, free-standing sign between the premises and the roadway presently containing a yellow insert which will be removed by the Applicant if the variance is granted and as a condition of such granting.

(g) The wall sign is sought in order to distinguish the movie theatre premises from the other tenants, especially those located on the ground floor, who presently have wall signs advertising their premises.

(h) The wall sign proposed by the Applicant is consistent with the existing signs, it is larger than the existing signs because Destinta Theatres portion of the shopping center will be larger.

(i) The peculiar nature of the business of Destinta Theatres requires that they sign with changeable letters so that the movies then showing can be advertised.

(j) The proposed sign will not be flashing and will not contain any neon. It will have interior illumination provided by a steady fluorescent light.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The area is a mixed area of commercial and residential use and this particular premises has been a commercial area since prior enactment of zoning in the Town of New Windsor.

2. There is no other feasible method available to the Applicant which can produce the benefits sought. The nature of the business of Destinta Theatres and the presence of other tenants in the shopping center require more signage than would otherwise be allowed. The proposed sign is the smallest sign which will provide adequate signage.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property.



4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed because of the existence of a new business in that location needs some signage to identify it to the public and allowing the proposed sign to be erected will not only be consistent with the shopping center within which it is located but will promote the interests of the Town of New Windsor by having further commercial development serving its citizens.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. As a condition of the granting of the variance, the other free-standing sign on the property will be removed and the free-standing sign to be erected will advertise the presence not only of Destinta Theatres but of the other tenants of the shopping center.

8. The interests of justice will be served by allowing the granting of the requested area variance.

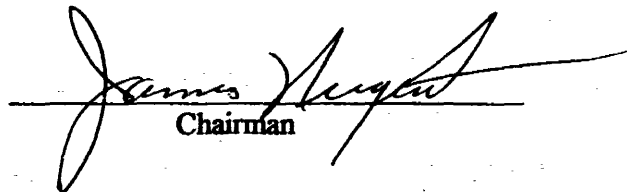
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 6 ft. x 8 in. sign width variance for a wall sign plus 19 ft. height and 1,346 s.f. sign area variance for pole sign for proposed theatre located at 217 Quassaick Avenue (formerly Foodtown) in an NC zone, as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 8, 1997.

  
Chairman

Date 11/6/97, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 North Drury La DR.  
Newburgh Ny 12550

DATE			CLAIMED	ALLOWED
10/27/97	Zoning Board Mtg		75 00	
	Misc - 1			
	Walsh - 4			
	Jaczko - 2			
	Vandermass - 2			
	Mobil Oil - 6			
	Polyworks - 9			
	Hannone - 3			
	Metaling - <del>20</del> 19			
	Franklin/Destinta - 8	\$36.00	243 00	
	<u>54</u>		<u>318 00</u>	

FRANKLIN ASSOCIATES/DESTINTA THEATRES

MR. NUGENT: Request for 5 ft. 6 in. sign height and 8 ft. sign width variance for a wall sign plus 19 ft. height and 1,346 square foot sign area variance for pole sign for proposed theater located at 217 Quassiack Avenue (formerly Foodtown) in an NC zone.

Mr. Joseph D. Angelotti of Destinta Theatres appeared before the board for this proposal.

MR. KRIEGER: Mr. Chairman, if I may, as I indicated at preliminary that I was the manager of the shopping center in which this is located, a couple of things in addition. First of all, part of the one of the small signs on the present sign and presumably on the proposed sign would be mine. In addition to the fact that I am still the manager of the center and will be through the end of the year, although my services of manager have been terminated, I'm a tenant through the end of the year since my rent has been raised, I am not sure whether I will be a tenant thereafter. But as of right now, I'm a tenant. Under those circumstances, I don't feel it's appropriate for me to advise the board specifically with respect to this, should any questions arise. It's a disclosure that I simply wanted to make known to the board as I say if the application occurred after January 1st that might not be the case.

MR. NUGENT: You're not a voting member, so I'm not sure that it is relevant. I'm glad you brought it up. I happen to know that you were but I don't know what the rest of the board feels.

MR. REIS: For disclosure purposes, I appreciate your comment Andy. But for a legal issue, if it should arise, I'd like your comment on it, personally.

MR. TORLEY: He's always given us unbiased advise, I see no reason to doubt it in this case.

MS. OWEN: I agree.

MR. ANGELOTTI: The site engineer, I'm sorry to say was behind me and got called away and had to turn around

and head back to New Jersey. I presented the renderings during the last visit.

MR. NUGENT: You want to use that?

MR. ANGELOTTI: Basically, the way this sign is configured right now on the highway is if I understand correctly, although it exists in violation of current code right now so to say we want to do exactly what's there puts us in violation. So I guess we're kind of going full circle back again. I think the sign will have the ability to reflect the tenants that whether Andy continues to stay or whether Martin is able to get, put future tenants in, they will be present on our signage. Our chargeable copy sign will be on the top, his materials list is indicated here clearly it's difficult not to have good signage with chargeable copy. I think that the sign was done very tastefully. I think the entire center will be dramatically improved. I think the ability to have good signage not only just for us though but for the tenants that hopefully will follow because for us to continue and begin with success, this center is going to need to have other anchors and/or ancillary tenants because to walk into that ghost area as it is now, is not conducive for people, especially in the evening hours where it's dark and they feel that it is murky. So I think one of the big things that will be a very helpful factor for potential tenants will be the ability to be on a sign like this. I think this grating grill that we have created with our logo I think is tasteful. I think it's also creative. I think it's a very good sign and in regards to our building sign, really all it is is a variation of that, just taking it off in segment, just to have the existing name of the theater. It's not really much different when you pass say a Shop Rite and you see a Shop Rite sign on top of the building, this is really our identifiable logo, and that is pretty much, you know, our intent is to create obviously identifiable insignia as well as also to impress upon people the center is not once what it was in terms of being vacant or not alluring for patrons for whatever the reason.

MR. TORLEY: I'm very glad to see that area

redeveloped, I do have a couple question on the freestanding sign, the wall sign is part of your architecture, but the freestanding sign if you are permitted 15 feet, do you really need more than twice the size?

MR. ANGELOTTI: Again, the big problem is we got the situation when we first looked at it the existing sign was there and the fact that that sign is what it is to be honest was a very enticing factor to us and came as quite a surprise when we found out that that sign was in fact in violation. It's difficult as it is to be on a highway location without some identifying factor and really what we're trying to do is hold pat to that elevation that is there because it works very well to what we're trying to create. It's difficult because although I'm not the owner of the property, I'm responsible for not only taking care of the site work but I'm also responsible for trying to figure a way to get what I need said as well as potentially seven or eight tenants. So it puts kind of a burden on our engineer from the sign standpoint to create not only a theater sign, but also an identifiable sign for tenants and as Andy said very accurately most likely rents will go up in the center based on improvements and to not have components that make people want to come in and do so whether Cricket stays with the salon, whether the beverage man stays there, that is their prerogative. I don't know necessarily what their intent is going to be but clearly there has to be some trade-off to ask someone for more, you can't give them less. And I think this sign creates I think it creates some excitement for the center. I think the grating will be unique.

MR. KRIEGER: I do have a question based on my knowledge of the center, there's a small freestanding sign used to advertise the supermarket that is adjacent to the road, that is down close to the apartments.

MR. ANGELOTTI: That is correct.

MR. KRIEGER: That presently has a blank yellow insert.

MR. ANGELOTTI: At one point, I think the insert was

gone, that lollipop, it was our intent to just stick it--

MR. KRIEGER: If a variance is granted, would you be willing to have that removed?

MR. ANGELOTTI: We would, I mean we're really indifferent to it, if in fact we were, if that sign were to stay, we were just going to leave it, paint it, put fresh lighting in it and just put entrance or whatever the name of the plaza is more as a courtesy.

MR. KRIEGER: But as a condition, you would be willing to move it?

MR. ANGELOTTI: Clearly.

MR. TORLEY: When was the sign code changed, Mike? I'm showing 4/10/95, is that when it was done?

MR. BABCOCK: Well, it depends on which page.

MR. TORLEY: I'm on page--

MR. BABCOCK: What happens Larry, when they change one section of the ordinance that page that whole page gets sent out and then there's a new date on the page. You really can't tell by the book as far as the dates and the pages.

MR. TORLEY: Which one is for commercial signs, 4818, do you remember?

MR. BABCOCK: No. I can find it.

MR. NUGENT: Hasn't been too many years ago.

MR. BABCOCK: Yeah, it wasn't, this was freestanding.

MR. TORLEY: The sign code as we used to have it is about 20 years old. It's clear the conditions have changed sharply in the 20 years, I can feel better about granting substantial variances at the time. But if just two years ago the town board said we want this size sign, now I have difficulty granting from a 60

square foot area to 1,410 square feet and from 15 feet to 34 feet by any stretch of the imagination are substantial variances.

MR. ANGELOTTI: I guess the misleading fact is when you pull up and see the sign there, it's hard for a potential tenant to realize that that sign is in code violation.

MR. TORLEY: This is not anything that is of your doing.

MR. ANGELOTTI: I understand that, just the best way I can put it is I don't see how I can get using a reasonable size letter 12 inches, even if we drop it down to eight inches, I don't see how we can get the changeable copy for the theater as well as worry about the rest of the tenants too. I think that it would become, I don't know how to do it.

MR. KRIEGER: Let me ask you, the proposed sign is greater than what the sign ordinance calls for currently, it is actually slightly smaller than the sign that is now on the site. So while it will not bring it down into conformance, it will bring it closer to conformance. In addition to the fact you're removing the other freestanding size.

MR. ANGELOTTI: Yes, as well as the wings because right now, the tenants, although they are not indicated per say based on the occupancy but the wings go out, we reversed that and brought the wings in.

MR. REIS: Do you happen to have the rendering of the existing sign?

MR. ANGELOTTI: No, our sign guy took photos and did kind of like a sample boring to actually see what was inside there because we had to try to figure a way to save the two existing beams. I could get those photos for you of the existing sign. I don't know who the sign engineer on that project was.

MS. BARNHART: That is long before the zoning board was here, you'll never be able--

MR. REIS: Just sum up your situation here, you're creating a sign and signage that is lesser than what exists today?

MR. ANGELOTTI: Yes, the only thing, what exists now is in violation.

MR. REIS: Understand. Are you increasing, in doing that, are you increasing the signage per tenant for the visibility of the signage per tenant?

MR. ANGELOTTI: I think our ovals are 3 x 6, those boxes there I would have to look, I don't, it's got to be damn close.

MR. KRIEGER: They are no bigger than that, no, according to the dimensions he's given, it does not appear to me, as a matter of fact, because of my peculiar knowledge of the sign, I'd like to put in the record and that is the current sign is in a poor state of repair, and constitutes a hazard.

MS. BARNHART: Eyesore.

MR. KRIEGER: It's not only an eyesore, but physically, it's a hazard because structural integrity, wind resistance, it tends, in really bad, windy conditions, to like lose parts and it's a hazard to those people traveling by it so--

MR. TORLEY: But your office is right there Andy.

MR. KRIEGER: That is true, that is true, but I, notwithstanding my recent difficulties with the owner of the property, I don't think it would be proper for me to represent a client in suing him.

MR. REIS: Accept a motion?

MR. NUGENT: Yes, I will.

MR. TORLEY: Can I ask as a favor? Can we split the variance requests in the motion?



MR. NUGENT: The building and the freestanding?

MR. TORLEY: Yes.

MR. NUGENT: Yeah, if that is the way you want to do it.

MR. REIS: I will make a motion if you want me to.

MR. TORLEY: Make two different motions, one for the wall sign, one for the freestanding.

NR. REIS: You know what he wants to do, Fran?

MR. KRIEGER: If you have your agenda, his first, the wall sign would be a request for a five foot six inch sign height, an eight foot sign width variance for a wall sign that would be one motion, if you have your agenda, the word plus is what separates.

MR. REIS: And a variance for the 19 foot height.

MR. KRIEGER: That would be the second one.

MR. NUGENT: Let's do the one first.

MR. REIS: So we're voting on the first one?

MR. NUGENT: Yes.

MR. TORLEY: Second it.

MR. REIS: Motion on the wall sign.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MS. OWEN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: This is for the freestanding sign.

October 27, 1997

MR. REIS: Motion to approve for the 19 foot height,  
1,346 square foot area variance for the pole sign.

MS. OWEN: Second it.

ROLL CALL

MR. REIS	AYE
MS. OWEN	AYE
MR. TORLEY	NO
MR. NUGENT	AYE

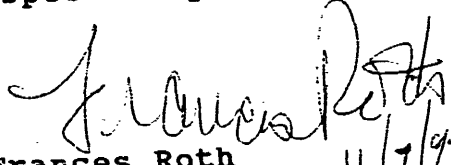
MR. REIS: Motion we adjourn.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MS. OWEN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer

11/7/97

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

*Return:*  
*Sept. 22nd.*  
*# 97-34.*  
*Signs:*  
*① freestanding*  
*② wall signs*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 8/28/97  
Franklin Assocs. - (owner)  
Destinta (lessee) Attn: Joe  
APPLICANT: Destinta - Theaters C.O. House Realtors  
313 Broadway 125 E. 71st St. - Suite 18 - Angelotti  
Newburgh, New York 12553, ny 10021 (212) 861-8871

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 8/28/97

FOR : Wall Signs.

LOCATED AT: 217-219 Quassaick Ave.

ZONE: N-C Sec/ Blk/ Lot: 23-1-53.1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed wall sign exceeds max size.

  
BUILDING INSPECTOR

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

**ZONE: N-C    USE: 48-18**

**H-B-1**

**SIGN:**

**FREESTANDING:**

**HEIGHT:        2'-6"**

**8'**

**5' -6 "**

**WIDTH:        10'**

**18'**

**8'**

**WALL SIGNS: One**

**One**

**TOTAL ALL SIGNS:**

**FEET FROM ANY LOT LINE:**

**cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP**

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 8/29/97

APPLICANT: ~~Destinta Theaters C.O. Lease Holders~~  
~~313 Broadway~~  
~~Newburgh, New York 12550~~

Destinta Theaters  
125 E. 71st St. - Suite 1B  
NY, NY 10021

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 8/29/97

FOR : One free standing sign.

LOCATED AT: 217-219 Quassaick Ave.

ZONE: N-C

DESCRIPTION OF EXISTING SITE: 23-1-53.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed pole sign exceeds max size.

  
BUILDING INSPECTOR

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

**ZONE:**            **USE: 48-18**

**H-1-A-2**

**SIGN:**

**FREESTANDING:**   **One**

**One**

**HEIGHT:**        **15'**

**34'**

**19'**

**WIDTH:**

*Pole*

**WALL SIGNS:**   **Area 64sq. Ft.**

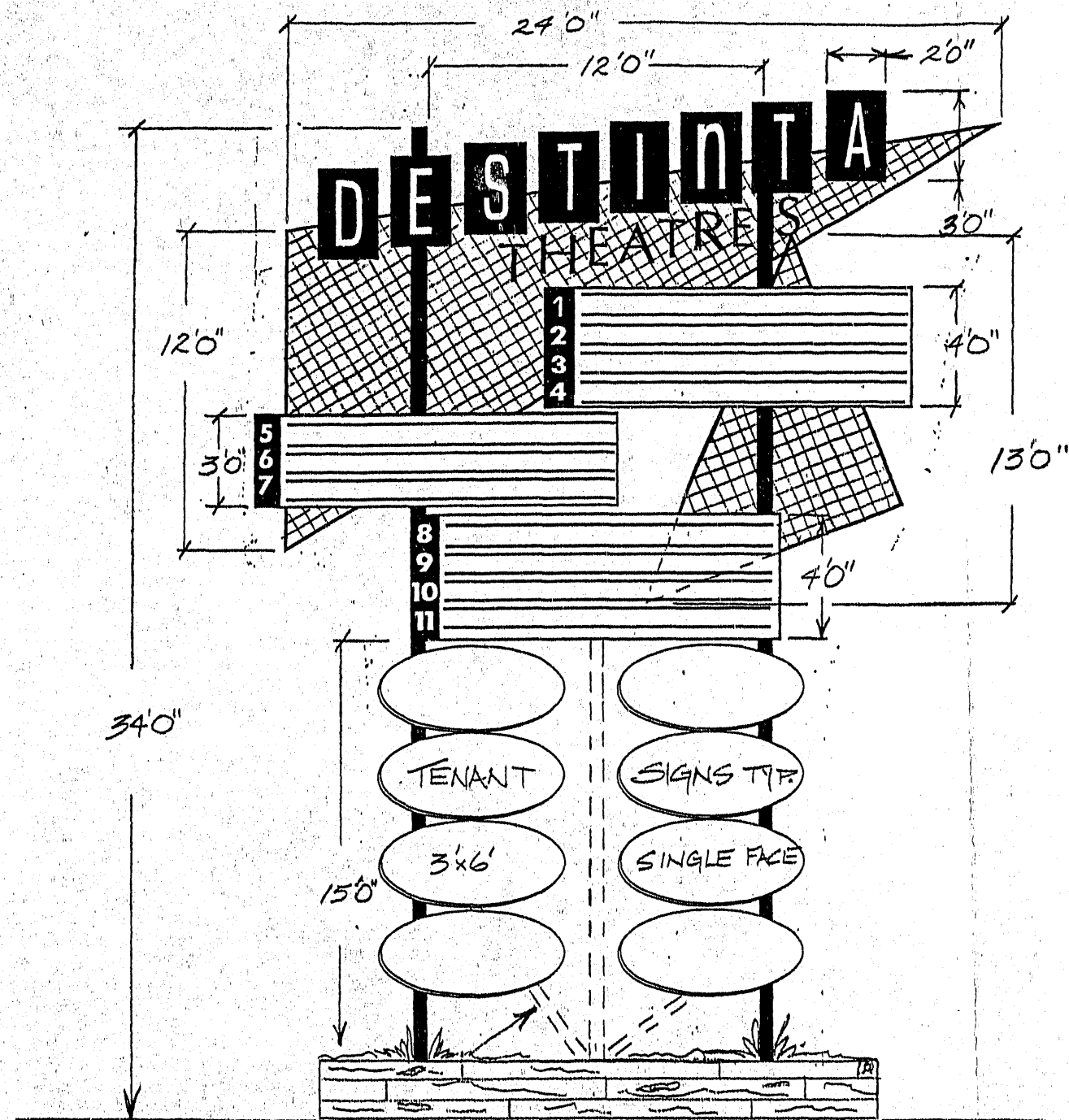
**1410 sq. Ft.**

**1346 sq.Ft.**

**TOTAL ALL SIGNS:**

**FEET FROM ANY LOT LINE:**

**cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP**



## EAST ELEVATION

DOUBLE FACE PYLON SIGN, AS SHOWN, USING EXISTING I-BEAM AND STEEL FOUNDATION - STRUCTURE. GRIDWORK FABRICATED OF 1/4" ALUMINUM ROUND STOCK WITH WELDED ALUMINUM FRAMING. DESTINTA PANELS CONSTRUCTED OF .090 ALUMINUM 4" DEEP, HOUSING ALL ELECTRICAL COMPONENTS. DESTINTA LETTERS OF .090 ALUMINUM - PAINTED. NEON ILLUMINATION FROM WITHIN, OPEN BACK FOR HALO EFFECT. THEATRES OF 1/4" CUT OUT ALUMINUM PAINTED - STUD MOUNTED. MARQUEE BOXES WITH 10" CHANGEABLE COPY SHALL BE INTERIOR ILLUMINATED 9" DEEP WITH ALL ALUMINUM CASING AND MOLDINGS. TENANT SIGNS 3'x6' INTERIOR ILLUMINATED PAINTED ALUMINUM CASING AND MOLDINGS, WHITE ACRYLIC FACES. EXISTING STRUCTURE TO BE STRIPPED AND ALL EXISTING STEEL SHALL BE PAINTED.

LINKED STEEL STRUCTURE

DESTINTA THEATRES

SCALE: 3/16" = 1'0"

APPROVED BY:

DRAWN BY: *PA*

DATE: AUG 12 97

REVISED

RTP CREATIONS, INC.

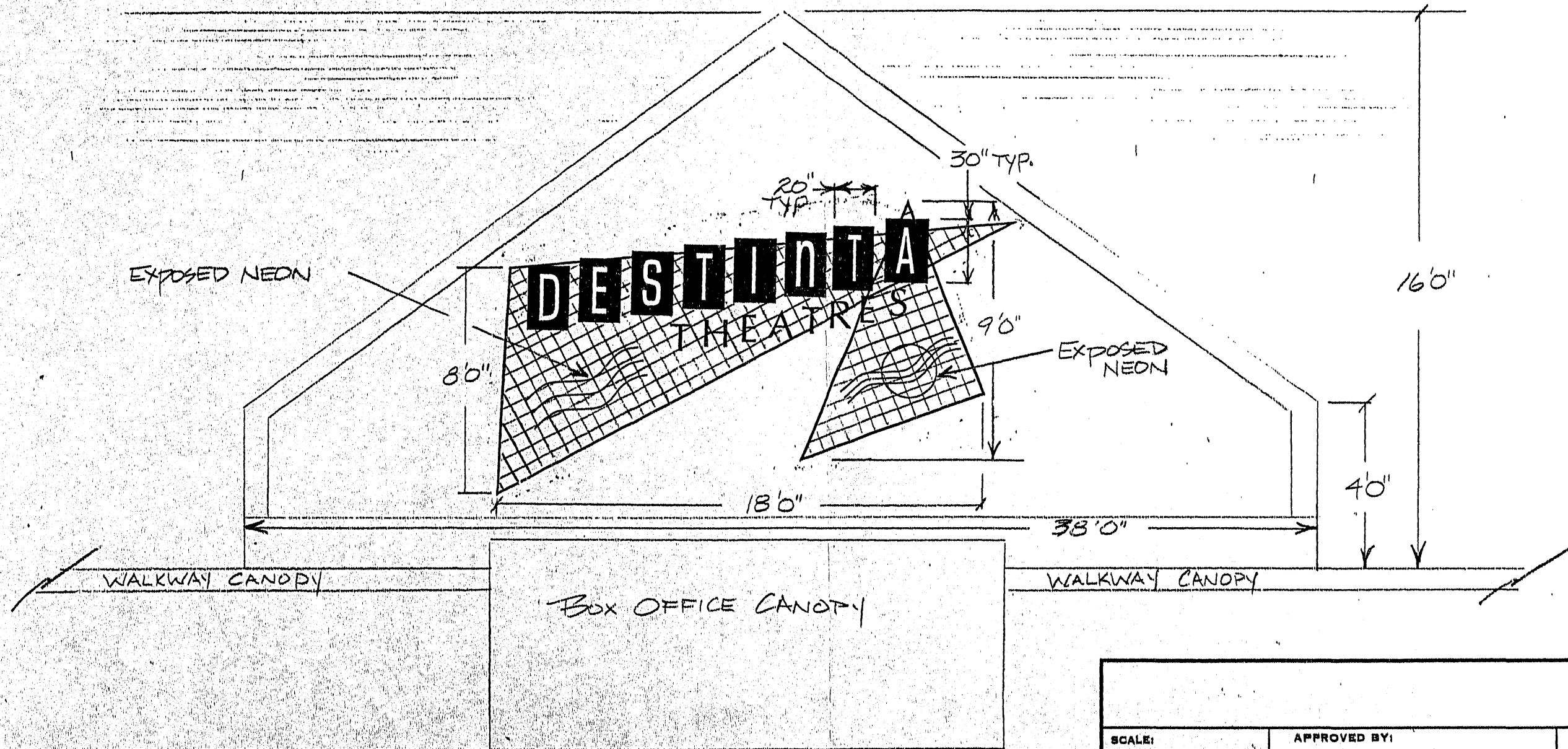
(973) 347-5201

DRAWING NUMBER

627A

# FRONT BUILDING ELEVATION

SINGLE FACE BUILDING FASADE SIGNAGE. GRIDWORK FABRICATED OF 1/4" ROUND ALUMINUM STOCK, WELDED WITH WELDED ALUMINUM FRAMING. DESTINTA PANELS FABRICATED OF .090 PAINTED ALUMINUM 4" DEEP TO HOUSE ALL ELECTRICAL EQUIPMENT. DESTINTA LETTERS OF .090 ALUMINUM - PAINTED. STUD MOUNTED TO PANEL, NEON ILLUMINATION FROM WITHIN - OPEN BACK FOR HALO EFFECT. THEATRES OF 1/4" CUT OUT ALUMINUM PAINTED - STUD MOUNTED. ALL EXPOSED NEON TO BE STUD MOUNTED TO GRID.



SCALE:		APPROVED BY:	DRAWN BY
DATE:			REVISED
			DRAWING NUMBER



## ZONING BOARD OF APPEALS

Regular Session  
October 27, 1997

### REVISED AGENDA:

7:30 PM - ROLL CALL

Motion to accept minutes of the 09/22/97 meeting as written if available.

### PRELIMINARY MEETING:

1. WALSH, JOHN - Request for 6 ft. side yard variance to construct a detached garage at 26 Clarkview Road in an R-4 zone. (6-1-14). #97-35, 4-0-4100 {i.e.}
2. JACZKO, ROBERT - Request for 3 ft. side yard variance to construct a 26 x 28 attached garage at 18 Haight Drive in an R-4 zone. (70-1-17.1). #97-37 - 4100 P.H.
3. VANDER MAAS, BRIAN - Request for 8 ft. rear yard variance for existing 12 x 24 deck at 12 Truex Drive in an R-4 zone. (70-1-15.3). #97-36. - 4100 {i.e.} #97-36
4. MOBIL OIL CORP. - Request for 30 ft. front yard, 7 ft. rear yard and 14 ft. max. bldg. height variance for proposed new structure at Five Corners in Vails Gate. Present: Danjus L. Virbickas, P.E. of Tyree Engineering. (69-4-26.2). Need Amended NOD - 4100 P.H. #97-38
5. POLYWORKS, INC. - Request for Interpretation <sup>for variance</sup> concerning Sec. 48-24(B)3 of Zoning Code - expansion of existing non-conforming use and proposed setback and parking for location on Corporate Drive (off Rt. 32 to the rear of U-Haul) in a C zone. Present: Anthony Cappola. (35-1-54.21). for variance 4-0, {i.e.} #97-39
6. YONNONE, VINCENT - Request for 29 ft. front yard variance to install canopy at service station located on e/s of Route 9W in NC zone. (37-1-16.1). (Remaining one canopy) 4100 {i.e.} #97-43

### PUBLIC HEARING:

7. HOTALING, RICHARD - Request for area variance in variation of bulk regulations in R-4 zone to allow six additional dogs at 95 Myrtle Avenue. (15-4-28.1) #97-32 - 4-0.
8. FRANKLIN ASSOCS./DESTINTA THEATRES - Request for 5 ft. 6 in. sign height and 8 ft. sign width variance for a wall sign, plus 19 ft. height and 1,346 s.f. sign area variance for pole sign for proposed theatre located at 217 Quassaick Avenue (formerly Foodtown) in an NC zone. (23-1-53.1).

PAT - 563-4630 (O)  
562-7107 (H)

DATE OF MEETING: 10/27/97

*Handwritten notes:*  
 → ~~Handley~~  
 → Franklin-Wall  
 → Handley - F.S.

	Min.	1	2	3	4	5	6	7	8	9	10	11	12
	9/22/97	Wed.	Tues.	Wed.	Thurs.	Fri.	Sat.						
C. Owen	9	9	9	9	9	9	9	9	9	9			
M. Reis	9	9	9	9	9	9	9	9	9	9			
M. Kane <i>absent</i>													
L. Torley	9	9	9	9	9	9	9	9	9	9			
J. Nugent	9	9	9	9	9	9	9	9	9	9			
Roll Call:	4-0	4-0	4-0	9-0	4-0	4-0	4-0	4-0	4-0	3-1			

*Handwritten:* Nay.

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

Franklin Assocs./Destinta Theatres,  
Applicant.

#9234.

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)**

**) SS.:**

**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

**That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.**

**That on October 14, 1997, I compared the 19 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.**

  
**Patricia A. Barnhart**

**Sworn to before me this  
15<sup>th</sup> day of October, 1997.**

  
**Notary Public**

**DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999**

# APPLICATION FOR VARIANCE

Date: 10/07/97

- (a) Franklin Associates, 3 Offices of Undersigned, 1 Garret Mountain Plaza  
(Name, address and phone of Applicant) W. Paterson, NJ (Owner) 07505
- (b) Destinta Theatres, 125 E. 71st Street, New York, N. Y. 10021 (212) 861-8871  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) Scott Kartiganer, P.E., 872 Westfield Street, Middletown, N.Y. 06457  
(Name, address and phone of contractor/engineer/architect)

- |     |               |              |                |
|-----|---------------|--------------|----------------|
| ( ) | Use Variance  | ( <u>x</u> ) | Sign Variance  |
| ( ) | Area Variance | ( )          | Interpretation |

- (a) NC 217-219 Quassaick Avenue 23-1-53.1 2.9 acres +  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes.
- (d) When was property purchased by present owner? 04/19/93.
- (e) Has property been subdivided previously? Yes.
- (f) Has property been subject of variance previously? Yes.  
If so, when? 2/11/85.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a

- (a) Use Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_,  
to allow:  
(Describe proposal)

n/a  
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: n/a

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

n/a

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

n/a  
 whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(You may attach additional paperwork if more space is needed)

#### VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18, Supplemental Sign        Regs.

	Requirements	Proposed or Available	Variance Request
Sign 1-Wall:Height-	<u>2 ft. 6 in.</u>	<u>8 in.</u>	<u>5 ft. 6 in.</u>
Sign " Width-	<u>10 ft.</u>	<u>18 ft.</u>	<u>8 ft.</u>
Sign -Freestanding:			
Sign " Height-	<u>15 ft.</u>	<u>34 ft.</u>	<u>19 ft.</u>
Sign " Area -	<u>64 s.f.</u>	<u>1410 s.f.</u>	<u>1346 s.f.</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

Applicant will utilize the existing sign as far as size is concerned; but sign will be lower. Applicant proposes a double-faced, freestanding sign at the roadway with directory logos for each store in the complex. Wall sign will be single-faced. Both signs will be constructed with aluminum framing with neon illumination from within, with open back with a halo effect. (See signage plans attached).

Recitation continued on page 3A.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?
- \_\_\_\_\_
- \_\_\_\_\_

#### VII. Interpretation. n/a

- (a) Interpretation requested of New Windsor Zoning Local Law, Section           , Table of            Regs., Col.           .
- (b) Describe in detail the proposal before the Board:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

#### VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE #97-34

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

NEW JERSEY

STATE OF ~~NEW YORK~~

) SS.:

COUNTY OF ~~OSWEGO~~  
PASSAIC

Martin S. Kerwood

I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 23 BLOCK 1 LOT 51.1. I HEREBY AUTHORIZE Joseph D. Angelotti of DEVONIA THEATRES (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: 10/10/97

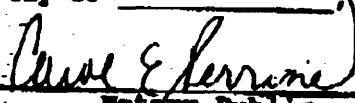
  
(Signature of Owner)

FRANKLIN ASSOCIATES

By:

Sworn to before me this

10th day of October, 19 97.

  
Notary Public

CAROL E. PERRINE

Notary Public of New Jersey

My Commission Expires June 15, 1998

(ZBA DISK#1-060895.PXY)





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4633  
Fax: (914) 563-4693

OFFICE OF ASSESSOR FOR TOWN

15

October 10, 1997

Scott Kartiganer  
827 Westfield Street  
Middletown, CT 06457

Re: Tax Map Parcel 23 - 1 -53.1 (Franklin Associates)

Dear Mr. Kartiganer:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK  
Sole Assessor

LC/pab

cc: Pat Barnhart, ZBA

Date 9/20/97, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 North Drury La DR.  
Newburgh Ny 12550

DATE			CLAIMED	ALLOWED
22/97		Zoning Board Mtg	75.00	
		Misc - 2		
		Patel - 5		
		Franklin - 7 <del>28.00</del> 31.50.		
		Manstoyda - 2		
		Craig / Toyota - 2		
		Catanzaro - 3		
		Casey - 3		
		Rosmarino - 3	121.50	
		<u>27</u>		
			196.50	

FRANKLIN ASSOCIATES/DESTINTA THEATRES

Mr. Joseph D. Angelotti appeared before the board for this proposal.

MR. NUGENT: Request for 5 ft. 6 in. sign height and 8 ft. sign width for a wall sign, plus 19 ft. height and 1,346 s.f. sign area variance for proposed theater to be located at 217 Quassaick Avenue (formerly Foodtown) in an NC zone.

MR. KRIEGER: If I may just so the board is aware, I have my office in this facility and I have from time to time represented the owner of the facility so that I have a conflict which the members of the board of which the members of the board should be aware. At any time that they feel that they want other advice considering my obvious interest in this, if any one member of the board feels that way he or she ought to say so then.

MR. NUGENT: You're not directly involved with this?

MR. KRIEGER: No, not directly involved.

MR. ANGELOTTI: I guess the best way for us to begin would be the existing sign that sits on the highway now from what we have been told currently is not in conformity, so our first assumption that we would take that sign and modify it based on what was existing and be within conformity is not accurate, that is why we're here. We have two situations, one is on the highway itself, in the concept of needed changeable copy which represents the 11 lines with the 12 inch letters that slides in plastic laminate tracts will represent to the public the titles of the shows. Then we're also faced with an obstacle of the fact we're in a shopping center, we need to represent tenants which is current right now on the outskirts of the sign, square box would be changed for aesthetic purposes to our company logo and trademark which sits atop and obviously, their grade which is laid out in terms of materials in the legend on the side for aesthetic purposes and we feel that based on the investment and the labor of love that this project is going to become, we want to solidify what the theater is going to represent and that is a

true change in the center. The building sign is not a changeable copy sign, but more a representation of who we are as the operators of the theater. The theme is obviously in sync as well, we're in conjunction with the owner of the center going to be actually in control of the site work that is going to go on there which will include a new facade for the entire straight line across for existing tenants and new tenants to come in. So really the variance becomes critical in both areas, one in the highway so we can represent who the existing and new tenants would be as well as our titles on a weekly basis change and then on the building to tie into the amount of work and type of work put into the cinema to reflect new, as well as our company distinction, not unlike Hoyt or Sony or General Cinema.

MR. KANE: The street sign that you have here, how does that compare with the dimensions of the existing sign right now?

MR. ANGELOTTI: This is our sign engineer, this is Randy.

MR. KANE: Is this sign going to be bigger than what's there right now or is it, I know it's going to replace what's there.

MR. RANDY MILLER: We're planning on using the existing structure which is all the I beams here, this is all to scale and as far as that goes, no, it's not going to change.

MR. KRIEGER: Existing structure I beams, those are the dark verticals?

MR. MILLER: Right, these I beams right here are all existing and that is why we pretty much wanted to use that.

MR. NUGENT: So you are really not going any higher than what's there?

MR. MILLER: No, actually make it lower, depending on right now this is totally covered, we surveyed this job, all we could see was from the bottom so what may

happen these I beams, they may get cut lower, depends on after we demolition the job and see what's underneath all that stuff, but it may actually be lower.

MR. KRIEGER: I can say Mr. Chairman from personal knowledge that the current tenant signs are on the outside of where the I beams are depicted here, so from that standpoint of view, it would be smaller.

MR. KANE: The round tenant signs that you have on the bottom will be on both sides?

MR. MILLER: Right.

MS. BARNHART: Are you representing Franklin or Destinta?

MR. ANGELOTTI: I represent Distinta but Franklin and our company have a partnership in terms of site work.

MR. TORLEY: And we have the right numbers on the requested variance?

MR. NUGENT: As far as I know, we do.

MR. KANE: Looks like it would be because existing sign is pretty big so to conform with the new town codes, they would need a massive--

MR. NUGENT: 19 foot height and 1,300 square feet, that is this sign on the front of the building?

MR. ANGELOTTI: That is correct.

MR. KRIEGER: On the depiction here the numbers in the, for the ones you put the replacement letters in 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 are they part of a sign, will they be appearing physically?

MR. ANGELOTTI: No, I am sorry, you switched these two numbers.

MR. KRIEGER: See these black strips, are they part of the sign?

MR. MILLER: That is representing the tracking.

MR. KRIEGER: But what I am getting at is if the sign were built this way, if it were approved, would the motorist driving by see these numbers or not?

MR. MILLER: Yes.

MR. TORLEY: You have 11 theaters?

MR. ANGELOTTI: Project is going to open at eight screens, we have an option in our lease to expand out either to the side, should something develop with the two existing tenants which are Capricorn and the beauty salon or to extend in the rear which would still be within code in terms of setback. The problem we're facing is right now, Newburgh having more screens than us makes it very difficult to operate. Distributors really try to use ten right now as almost a starting point so--

MR. NUGENT: You're going to have how many?

MR. ANGELOTTI: We're opening with 8, that is correct.

MR. NUGENT: I'd like to see something go in that building.

MR. KRIEGER: As opposed to dynamite. Where is your next closest operation?

MR. ANGELOTTI: Newburgh, I'm sorry, Rose Hill Park, New Jersey and I then would be Princeton.

MR. TORLEY: General release films?

MR. ANGELOTTI: That is correct, we feel the ability to get the extra screens we'll be able to tap into a more art market that Newburgh is not catering to.

MR. TORLEY: My only request this is not adult theaters, you're not intending to market this as X-rated theaters?

MR. ANGELOTTI: Oh, no, no, no.

MR. TORLEY: Just wanted to check.

MR. REIS: Randy, do you know what the existing sign, it was asked, but I never got an answer, existing sign dimensions, do you know what they are?

MR. MILLER: Do I know what they are? I do know what they are but unfortunately, I don't think I have that paperwork with me.

MR. KANE: Can you do a comparison as far as square foot what's there now?

MR. MILLER: Sure, I think that has already been done.

MR. KANE: Just present that to us.

MR. MILLER: We can do that but it's not if it's, you know, 50, 60 square feet more, I would say that is too much because what's existing there now they have a huge box on the top here and you know it's just there's not much of a change as far as square footage at all.

MR. ANGELOTTI: Public portion we'll be glad to have that detailed out.

MR. KRIEGER: You understand the reason he's saying that is that because by law, the zoning board unlike the planning board must have a public hearing before they can decide anything, it's required. In reading the description here, looking at the sign, the description seems to apply to the portion of the sign from number 11 above, what about the tenant signs, are they designed to be interior illuminated or not?

MR. MILLER: Yes.

MR. KRIEGER: And they are--

MR. MILLER: Typical box sign only oval shape.

MR. TORLEY: No flashing lights?

MR. MILLER: Nope.

MR. KANE: Yeah, states right on the--

MR. KRIEGER: No neon, no flashing lights on the tenant portion?

MR. ANGELOTTI: No.

MR. MILLER: There is no neon on this portion on the sign.

MR. KRIEGER: On what, on the Destinta?

MR. ANGELOTTI: Yes.

MR. NUGENT: There's a couple neons exposed here.

MR. KRIEGER: Now, would the tenant signs on the bottom are they going to be one facing each direction?

MR. ANGELOTTI: That is correct.

MR. KRIEGER: So they are not going to be a two-sided sign?

MR. MILLER: There will be two separate signs, one on each side.

MR. KRIEGER: That is what I am getting at because the I beam is here, just wanted to make sure if you look at it in the other way around you see the same thing.

MR. MILLER: Yeah, right.

MR. TORLEY: Entire structure is two-sided sign?

MR. ANGELOTTI: Right.

MR. TORLEY: When you come back for the public hearing, I'd like you to speak on the, I'm a little concerned on the height of this, which is so much higher than the code.

MR. ANGELOTTI: Using existing structure.



MR. TORLEY: When you come back for the public hearing, describe why you can't make it closer to our zoning code, it's a pretty good code and what the town board has said they want.

MR. ANGELOTTI: Okay, absolutely.

MR. NUGENT: Any other questions by the board? I'll accept a motion to set him up for a public hearing.

MRS. OWEN: I make a motion that we set Franklin Associates/Destinta Theaters for a public hearing.

MR. KANE: Second the motion.

ROLL CALL

MRS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: When you come back, the state law requires that you consider the criteria set forth on the sheet, so if you'd address yourself to that criteria, that would be helpful.

MR. ANGELOTTI: Thank you.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

**THIS INDENTURE**, made the 29th day of December, nineteen hundred and Eighty-two  
**BETWEEN** Barclay Manor, Inc., a New York Corporation, having offices at  
100 Hamilton Plaza, Suite 400, Paterson, New Jersey 07505

party of the first part, and Isabel Kenwood, individually, and Martin S. Kenwood, Harold  
Schatz, and Isabel Kenwood, Trustees under the Last Will and Testament of Merle  
B. Kenwood, Trading as Franklin Associates, having its offices at 100 Hamilton  
Plaza, Suite 400, Paterson, New Jersey 07505

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of **NINE HUNDRED FORTY THOUSAND**  
**(\$940,000.00)** ----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the see Schedule "A" attached.

SCHEDULE "A"

PARCEL "A":

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Union Avenue distant the following courses and distances from the corner formed by the intersection of the easterly side of Quassaick Avenue (Route No. 94) a 60 foot street, with the northerly side of Cedar Lane, a 50 foot street;

1. North 40 degrees 35 minutes 30 seconds East 1077.52 feet along the easterly side of Quassaick Avenue to its point of intersection with the southerly boundary line of lands now or formerly belonging to Shell Oil Company;

2. South 49 degrees 32 minutes 37 seconds East 175 feet along said lands of Shell Oil Company to a corner in said lands;

3. North 40 degrees 35 minutes 30 seconds East 250 feet still along said lands to the southerly side of Union Avenue;

4. South 49 degrees 32 minutes 37 seconds East along the southerly side of Union Avenue 110.48 feet; and

5. South 51 degrees 06 minutes 10 seconds East still along the southerly side of Union Avenue 187.65 feet to the point or place of beginning, running thence from said point of beginning along the southerly side of Union Avenue South 51 degrees 06 minutes 10 seconds East 300.00 feet to a corner, thence South 31 degrees 21 minutes 06 seconds West 407.81 feet; thence North 51 degrees 06 minutes 10 seconds West 361.51 feet to the point; thence North 40 degrees 01 minutes 30 seconds East 404.36 feet to the point or place of Beginning.

BEING the same premises described in a deed from Squire Village, Inc., to Tri Harda Realty, Inc., dated March 30, 1970 and recorded April 15, 1970, in the office of the Orange County Clerk in Liber 1844 at Page 316.

DESCRIBED on the records of the City School District of the City of Newburgh, New York as Account No. 78652 (23-1-4, Res. 3.1 acre, S. Union Ave.).

**Schedule "A"-Pg. 1**

SCHEDULE "A"  
(Continued)

PARCEL "B":

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at an angle point in the Southerly side line of Union Avenue, distant 110.48 feet on a bearing of South 49 degrees 32 minutes 37 seconds East from the northeasterly corner of lands now or formerly Shell Oil Company and from thence:

1. Along the southerly side line of Union Avenue South 51 degrees 06 minutes 10 seconds East, a distance of 100.99 feet to a corner and from thence;

2. South 40 degrees 01 minutes 30 seconds West, a distance of 404.36 feet to a corner and from thence;

3. North 51 degrees 06 minutes 10 seconds West, a distance of 56.78 feet to a bend and from thence;

4. North 52 degrees 29 minutes 00 seconds West, a distance of 15.25 feet to a corner and from thence;

5. North 40 degrees 01 minutes 30 seconds East, a distance of 93.93 feet to a corner and from thence;

6. North 49 degrees 58 minutes 30 seconds West, a distance of 40.00 feet to a corner and from thence;

7. North 42 degrees 03 minutes 39 seconds East, a distance of 310.42 feet to the southerly side of Union Avenue and the above described point or place of beginning.

BEING part of the premises described as Parcel IV in deed from Squire Village, Inc., to Tri Harda Realty, Inc., dated December 6, 1967, and recorded December 13, 1967, in Liber 1783 of Deeds at Page 1070.

SAID premises being included on the records of the City School District of the City of Newburgh as Account No. 78650 (23-1-3, 23-1-53.1, 3.3 A, 3.1A, Shopping Center, E. Rte. 94).

**Schedule "A"-Pg. 2**

SCHEDULE "A"  
(Continued)

PARCEL "C":

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Quassaick Avenue (Route #94) a 60 feet street, distant 1002.52 feet on a bearing of North 40 degrees 35 minutes 30 seconds East, from the northerly line of Cedar Lane, a 50 feet street and from thence;

1. Continuing along the easterly line of Quassaick Avenue (Route #94) North 40 degrees 35 minutes 30 seconds East 75.00 feet to land now or formerly of Shell Oil Company; thence

2. South 49 degrees 32 minutes 37 seconds East, along said lands of Shell Oil Company, 140.00 feet; thence

3. South 40 degrees 35 minutes 30 seconds West, along other lands of Squire Village, Inc., 75 feet; thence

4. Still along lands of Squire Village Inc. North 49 degrees 32 minutes 37 seconds West, 140.0 feet to the easterly side of Quassaick Avenue (Route #94) the point or place of beginning.

BEING the same premises described as Parcel VI in deed from Squire Village, Inc., to Tri Harda Realty, Inc., dated December 6, 1967, and recorded December 13, 1967 in Liber 1783 of Deeds at Page 1070.

SAID premises being described on the records of the City School District of the City of Newburgh, New York, as Account No. 78651 (23-1-2, Bank, 75 x 140 E. Rte. 94).

Schedule "A"-Pg. 3



SCHEDULE "A"  
(Continued)

PARCEL "D":

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Quassaick Avenue (Route #94) a 60 foot street, distant 594.13 feet on a bearing of North 40 degrees 35 minutes 20 seconds East, from the northerly side line of Cedar Lane, a 50 foot street and from thence (1) along the easterly sideline of Quassaick Avenue (Route #94) North 40 degrees 35 minutes 30 seconds East a distance of 408.39 feet to a point; thence (2) North 49 degrees 32 minutes 37 seconds East, a distance of 140 feet, thence (3) North 40 degrees 35 minutes 30 seconds East 75.00 feet to the lands now or formerly of Shell Oil Company; thence (4) along the lands of Shell Oil Company North 49 degrees 32 minutes 37 seconds East 35 feet (5) along the last mentioned lands North 40 degrees 35 minutes 30 seconds East 250.00 feet to the Southerly side line of Union Avenue, thence (6) along the said last mentioned Union Avenue South 49 degrees 32 minutes 37 seconds East a distance of 110.48 feet to a corner; thence (7) South 42 degrees 03 minutes 39 seconds West 310.42 feet to a corner; thence (8) South 49 degrees 50 minutes 30 seconds East 40 feet to a corner; thence (9) South 40 degrees 01 minutes 30 seconds West 93.93 feet to a corner; thence (10) South 52 degrees 29 minutes 00 seconds East 15.25 feet to a point; thence (11) South 51 degrees 06 minutes 10 seconds East 56.78 feet to a corner; thence (12) North 40 degrees 01 minutes 30 seconds East 404.36 feet to the southerly side of Union Avenue; thence (13) South 51 degrees 06 minutes 10 seconds East along said southerly side of Union Avenue 86.66 feet to a corner; thence (14) South 40 degrees 01 minutes 30 seconds West, a distance of 404.36 feet to a corner; thence (15) North 51 degrees 06 minutes 10 seconds West, a distance of 27.06 feet to a corner; thence (16) South 40 degrees 35 minutes 30 seconds West a distance of 274.48 feet to a corner; thence (17) North 49 degrees 24 minutes 30 seconds West, a distance of 145.00 feet to a corner; thence (18) South 40 degrees 35 minutes 30 seconds West a distance of 60.00 feet to a corner; thence (19) North 49 degrees 24 minutes 30 seconds West, a distance of 305.00 feet to the easterly sideline of Quassaick Avenue (Route #94) to the above described point or place of beginning.

BEING a portion of Parcel IV as described in deed from Squire Village, Inc., to Tri Harda Realty, Inc., dated December 6, 1967, and recorded December 13, 1967, in Liber 1783 of Deeds at Page 1070.

SAID premises being included on the records of the City School District of the City of Newburgh as Account No. 78650 (23-1-3, 23-1-53.1, 3.3A, 3.1A, Shopping Center, E. Rte. 94).

Parcels "A" through "D" inclusive are subject to ease-

**Schedule "A"-Pg. 4**

SCHEDULE "A"  
(Continued)

PARCEL "E":

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying, and being in the

TOWN OF NEW WINDSOR designated on the Orange County Tax Map as

Section 27, Block 5, Lot 2

Section 27, Block 5, Lot 4

Section 27, Block 5, Lot 5

BEING a portion of the same premises conveyed to Barclay Manor, Inc., by Deed dated March 13, 1974, and recorded in the Orange County Clerk's Office in Liber 1972 of Deeds at Page 660.

PARCEL "F":

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying, and being in the

TOWN OF NEW WINDSOR designated on the Orange County Tax Map as

Section 27, Block 3, Lot 11

Section 27, Block 3, Lot 12

BEING a portion of the same premises conveyed to Barclay Manor, Inc., by Deed dated March 13, 1974, and recorded in the Orange County Clerk's Office in Liber 1972 of Deeds at Page 660.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

RECORDED & INDEXED  
JAN 14 1983  
LIBRARY OF THE  
CITY OF TORONTO

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

BARCLAY MANOR, INC.

  
Isabel Kenwood, Secretary

  
Martin S. Kenwood, President

Dated: December 29, 1982

STATE OF NEW YORK, COUNTY OF

ss:

On the       day of       19       , before me  
personally came

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the 21 day of December 19 52, before me  
personally came *Martin S. Korman*

to me known, who, being by me duly sworn, did depose and  
say that he resides at No. 8487 COURT

SUFFRAN NY 10901 ;

that he is the PRESIDENT  
of *Bancay, Mann & Co.*

, the corporation described  
in and which executed the foregoing instrument; that he  
knows the seal of said corporation; that the seal affixed  
to said instrument is such corporate seal; that it was so  
affixed by order of the board of directors of said corpora-  
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss:

On the       day of       19       , before me  
personally came

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the       day of       19       , before me  
personally came

the subscribing witness to the foregoing instrument, with  
whom I am personally acquainted, who, being by me duly  
sworn, did depose and say that he resides at No.

that he knows

to be the individual  
described in and who executed the foregoing instrument;  
that he, said subscribing witness, was present and saw  
execute the same; and that he, said witness,  
at the same time subscribed his name as witness thereto.

*Frank S. Hardy*  
**FRANK S. HARDY**  
**NOTARY PUBLIC OF NEW JERSEY**  
My Commission Expires Aug. 27, 1957

**Bargain and Sale Deed**  
**WITH COVENANT AGAINST GRANTOR'S ACTS**

**TITLE No.**

---

**SECTION**

**BLOCK**

**LOT**

**COUNTY OR TOWN**

**TO**

**RETURN BY MAIL TO:**

**Zip No.**

**Reserve this space for use of Recording Office.**



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## REQUEST FOR NOTIFICATION LIST

DATE: 10.1.97

1763

NAME: SCOTT KARTIGANER TELE: (860) 346-6610

FOR DESTANTA

ADDRESS: \_\_\_\_\_

872 WESTFIELD ST.  
MIDDLETOWN, CT. 06457.

TAX MAP NUMBER: SEC. 23, BLOCK 1, LOT 3  
SEC. 23, BLOCK 1, LOT 53.1  
SEC. \_\_\_\_\_, BLOCK \_\_\_\_\_, LOT \_\_\_\_\_

PUBLIC HEARING DATE (IF KNOWN): \_\_\_\_\_

THIS PUBLIC HEARING IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD:

SITE PLAN & SUBDIVISIONS:

(LIST WILL CONSIST OF ABUTTING  
PROPERTY OWNERS AND ACROSS ANY STREET)

YES

SPECIAL PERMIT ONLY:

(LIST WILL CONSIST OF ALL PROPERTY  
OWNERS WITHIN 500 FEET)

X  
YES

AGRICULTURAL DISTRICT:

(LIST WILL CONSIST OF ALL PROPERTY OWNERS  
WITHIN THE AG DIST. WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)

YES

\*\*\*\*\*

NEW WINDSOR ZONING BOARD:

(LIST WILL CONSIST OF ALL PROPERTY  
OWNERS WITHIN 500 FEET)

X  
YES

\*\*\*\*\*

AMOUNT OF DEPOSIT \$ 2500 Paid 10/1/97 TOTAL CHARGE \$ \_\_\_\_\_